

ENTERED

September 30, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****DIANDRA M. PITTMAN and
NICK COOPER,****Plaintiffs,****VS.****LITHIA MOTORS, INC. and
SOUTHWEST INFINITI,****Defendants.**§
§
§
§
§
§
§
§
§
§**Civil Case No. 4:22-CV-01049****ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the August 28, 2024, Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Peter Bray. (Dkt. No. 83). Judge Bray made findings and conclusions and recommended that Defendants Lithia Motors, Inc. and Houston-I, Inc. d/b/a Southwest Infiniti's Motion for Leave for Reconsideration of Defendants' Motions for Summary Judgment, (Dkt. No. 73), be granted; Defendants Lithia Motors, Inc. and Houston-I, Inc. d/b/a Southwest Infiniti's Motion for Summary Judgment, (Dkt. No. 32), be granted; and Defendant Lithia Motors, Inc.'s Motion for Summary Judgment, (Dkt. No. 34), be denied as moot.

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

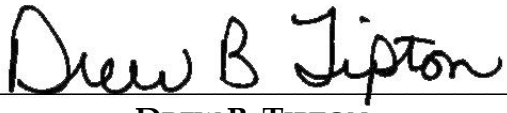
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Magistrate Judge Bray's M&R, (Dkt. No. 83), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Defendants Lithia Motors, Inc. and Houston-I, Inc. d/b/a Southwest Infiniti's Motion for Leave for Reconsideration of Defendants' Motions for Summary Judgment, (Dkt. No. 73), is **GRANTED**;
- (3) Defendants Lithia Motors, Inc. and Houston-I, Inc. d/b/a Southwest Infiniti's Motion for Summary Judgment, (Dkt. No. 32), is **GRANTED**; and
- (4) Defendant Lithia Motors, Inc.'s Motion for Summary Judgment, (Dkt. No. 34), is **DENIED as MOOT**.

It is SO ORDERED.

Signed on September 29, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE